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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,809	03/20/2001	Thomas D. Petite	81607-1042	1207

7590 11/13/2003

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EXAMINER
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NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/812,809

Applicant(s)

PETITE, THOMAS D.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Amendment filed on October 17, 2003 has been acknowledged.

#### ***Terminal Disclaimer***

1. The terminal disclaimer filed on October 17, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,028,522 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Withdrawal of Allowability***

2. The indicated allowability of claim 10 is withdrawn in view of the newly discovered reference(s) to Grabowski et al. (US 6,305,602). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Grabowski et al. (US 5,471,201).

Grabowski et al. discloses all the claimed features of the invention including:

With respect to claims 1 and 12-14, a system (10) to monitor the level of light in an area (Fig. 1) comprising:

- at least one sensor (22, 24, 26) that measures the level of light in a lighted area (Fig. 1);
- at least one transceiver (54) that communicates information regarding the level of light in the lighted area, via a communications network (Abstract, lines 5-6, Fig. 1);
- a central system (30) that communicates with the transceiver via the communications network (wireless communications to/from 30, Fig. 1);
- a wide-area network (column 5, lines 55-60) that allows access to the central system (Fig. 1).

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With respect to claim 2, the lighted area is one selected from the group consisting of a parking structure, a building, a residence, an underground facility, and a street (14, Fig. 1).

With respect to claim 3, a sensor is one selected from a group consisting of a light sensor, and a camera sensor (light sensor 22, 24, 26).

With respect to claim 4, the central system comprises of a memory (74) and a processor (72) (Fig. 3).

With respect to claim 5, the communications network comprises of a Public Service Telephone Network (column 9, lines 43-45).

With respect to claim 6, the communication network communicates with another communication network via a gateway (Internet communication, column 5, line 57).

With respect to claim 7, a central processing unit (72) and a memory (74) communicates with the sensor and the transceiver (Fig. 1).

With respect to claim 8, the transceiver communicates information with a transceiver (radio transceiver of 30) in another lighted area (30 is in another lighted area as

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opposed to 22, Fig. 1), wherein the communication between the transceivers form an RF cloud (column 8, lines 10-11, column 9, lines 28-29).

With respect to claim 9, a person who is a technician or a customer, can access the central system (column 13, lines 34-38).

With respect to claim 10, the wide-area network is the Internet (column 5, line 57).

With respect to claim 11, the RF cloud forms a backbone that allows a transceiver in a remote lighted area to communicate with the central system via the communications network (54 communicates with 64 via RF).

### ***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Contact Information***

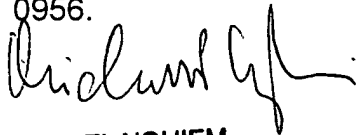
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.

A handwritten signature in black ink, appearing to read "Michael Nghiem", with a stylized flourish at the end.

**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

November 5, 2003